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OFFICE OF PETITIONS

In re Application of :
Struhsaker et al. :
Application No. 10/042,705 :
Filed: November 15, 2000 : ON PETITION
Title of Invention: :
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DEVICE FOR USE IN WIRELESS AND :
WIRELINE ACCESS SYSTEMS :
:

This is a decision on the petition under 37 CFR 1.182 and the correspondence entitled Request for Official Declaration, filed August 23, 2005. The petition and Request for Official Declaration requests clarification of Office records regarding the history of the above-identified application, and a declaration that application no. 09/713,614 no longer exists.

The Petition is **granted**.

The above-identified application was originally assigned application serial number 09/713,614. Applicant filed a petition to convert 09/713,614 to a Provisional Application on October 11, 2001. Applicant then filed a petition on November 13, 2001, seeking to rescind that request. However, the petition to rescind the conversion request was not timely acted upon and, instead, the petition to convert the application to a provisional application was granted on January 8, 2002¹ and the application was accorded provisional application serial no. 60/331,350.

Because application no. 09/713,614 had been converted to provisional application no. 60/331,350, the petition to Rescind Petition to Convert Nonprovisional Application to a Provisional Application under 37 CFR 1.53(c), filed November 13, 2001, was treated as a petition to convert a provisional application to a

¹The Decision was erroneously dated January 8, 2001.

nonprovisional application under 35 U.S.C. 111 and 37 CFR 1.53(c)(3).

Accordingly, the petition was granted and provisional application no. 60/331,350 was converted to the above-identified nonprovisional application no. 10/042,705.

To summarize, nonprovisional application no. 09/713,684 was converted to provisional application no. 60/331,250, which was converted to nonprovisional application no. 10/042,705. As such, neither nonprovisional application 09/713,684 nor provisional application 60/331,250 exist.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.


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